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February 5, 2020

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application GRANTED. The Clerk of
Court is directed to terminate Doc. #66.
SO ORDERED.

February 5, 2020

RE: Request for Extension of Surrender Date for Ibrahim Mizrahi
Case No. 18-CR-889 (JMF), USM Number 86309-054

Dear Judge Furman:

This Firm is counsel to Ibrahim Mizrahi regarding his pending immigration matters.

As the Court is aware, Mr. Mizrahi has been sentenced by the Court to serve 18 months in prison and pay restitution in an amount of \$998,000.00 (Docket Entries #60 and #61) as a result of his guilty plea. Mr. Mizrahi is prepared to surrender to FCI Allenwood where it is anticipated that he will be placed into removal proceedings pursuant to the Institutional Hearing Program. We write to respectfully request that the Court adjourn Mr. Mizrahi's voluntary surrender date, currently scheduled for February 28, 2020, for a period of thirty (30) days, to permit him to compile significant documentation necessary for his upcoming immigration court hearing. We have spoken with the United States Attorney's Office regarding this request and have been informed that the Office does not take any position on our application.

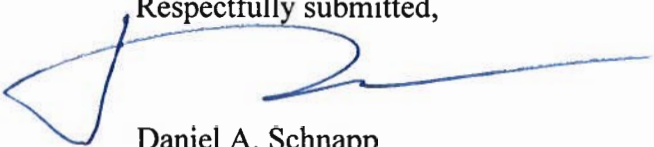
Mr. Mizrahi retained our Firm at the end of January and, until that time, was unaware of the necessary steps that would be required of him to prepare for his upcoming immigration court hearing. As a Jewish-Lebanese national, Mr. Mizrahi may be subject to protection from deportation through a claim of withholding of removal under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"). CAT, *adopted* Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85. Article 3 of CAT forbids the Government from removing an applicant for withholding of removal where it is more likely than not that he will be "tortured" if removed to the proposed country of removal. *Id.* art.3; 8 C.F.R. § 208.16(c)(2); *see also Ramsameachire v. Ashcroft*, 357 F.3d 169, 184 (2d Cir. 2004) ("[t]orture is defined as the intentional infliction of pain or suffering that is perpetrated or sanctioned by a nation's authorities.")

In order to document Mr. Mizrahi's eligibility for this protection, our Firm will require significant documentation from him. This documentation will be difficult to secure upon his incarceration. Among other matters, Mr. Mizrahi will need to participate in a formal evaluation session by a mental health professional experienced in CAT claims in order to document the hardship, in addition to torture, Mr. Mizrahi will face if removed to his home country of Lebanon. Mr. Mizrahi also needs additional time to meet with his immigration counsel to prepare an affidavit in support of his claim for eligibility. This affidavit is a critical piece of evidence, as an applicant's credible testimony (via affidavit or in-person testimony) may alone be sufficient to sustain his burden of proof under CAT. *See* 8 C.F.R. § 208.16(c)(2).

Absent the requested extension, Mr. Mizrahi will need to both prepare and attend his removal hearing while incarcerated which may cause significant prejudice to Mr. Mizrahi's ability to properly defend himself during the hearing.

Accordingly, we respectfully request an extension of thirty (30) days to allow Mr. Mizrahi to adequately prepare for the upcoming removal hearing. Again, the United States Attorney's Office takes no position on this application.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Daniel A. Schnapp', with a long horizontal flourish extending to the right.

Daniel A. Schnapp
Partner

cc: John Sandweg, Esq

All counsel via ECF